

4. Defendant conducts business in the state of Ohio, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Cambridge, Guernsey County, Ohio.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Horsham, Pennsylvania.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect a debt from Plaintiff on behalf of the original creditor, Direct Merchants Bank (Defendant's internal Account Number: XHR011).
11. Plaintiff's alleged debt owed to Direct Merchants Bank arises from transactions for personal, family, and household purposes.
12. On January 29, 2009, Plaintiff faxed Defendant a cease and desist letter. (See Exhibit A).
13. On January 29, 2009, Plaintiff faxed Defendant a notice of representation letter. (See Exhibit A).
14. Despite receiving Plaintiff's letter (Exhibit A), Defendant communicated with Plaintiff after January 29, 2009, in an attempt to collect a debt. (See Defendant's letter to Plaintiff dated December 10, 2009 attached as Exhibit B).

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(2) of the FDCPA by communicating with Plaintiff even though Defendant knew Plaintiff was represented by an attorney.
- b. Defendant violated §1692c(c) of the FDCPA by communicating with Plaintiff after Defendant received Plaintiff's cease and desist letter.
- c. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.

WHEREFORE, Plaintiff, RICHARD MCENDREE, respectfully requests judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC., for the following:

16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
18. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, RICHARD MCENDREE, demands a jury trial in this case.

Dated: August 5, 2010

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk
Peter Cozmyk,
Attorney for Plaintiff

Ohio Registration No. 0078862
Krohn & Moss, Ltd.
3 Summit Park Drive
Suite 140
Independence, Ohio 44131
Telephone: (216) 901-0609
Fax: (866) 425-3459
E-mail: pcozmyk@consumerlawcenter.com

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OHIO

Plaintiff, RICHARD MCENDREE, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, RICHARD MCENDREE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

7-29-10
Date

Richard L McEndree
RICHARD MCENDREE

VERIFIED COMPLAINT

Exhibit A

VERIFIED COMPLAINT

Debt Counsel for Seniors & the Disabled



29 January 2009

Collections Manager
NCO Financial Systems, Inc.
507 Prudential Road
Horsham, PA 19004

215-942-8236
Page 1 of 3

Re: Richard McEndree & Betty Warner
Your file or reference No.: XHR011:Direct Merchants: [REDACTED]
Our file No.: 831

Dear General Counsel or Compliance Officer:

Please be advised that my law firm represents the above-referenced client for the purpose of enforcing their rights against debt collectors under all applicable federal laws.

This letter serves as notice that my client hereby disputes the above-referenced alleged debt and requests validation of it in accordance with 15 U.S.C. § 1692g. Please provide any agreement(s) our client signed with the original creditor, an accounting history showing how you got to the amounts claimed and when this alleged debt was charged off. Unless and until such proof is furnished, we do not recognize any right on your part to attempt to collect any amount from our client through credit reporting or any other means. Moreover, all changes in terms of this alleged debt are hereby objected to and rejected. Please be advised that the continuation of collection activity without adequately responding to these requests may result in a lawsuit against you.

As the client's attorney, I also respectfully inform you that you must cease contacting them according to §§ 1692c(a)(2) AND 1692c(c) of the Fair Debt Collection Practices Act, since this letter not only serves as notice of our representation of this client but also contains a cease and desist order signed and notarized by the alleged debtor. If and when you violate these statutes, I will not hesitate to pursue all legal remedies on behalf of my client in the United States District Court.

Very truly yours,

Jerome S. Lamet, Supervising Attorney
Debt Counsel for the Seniors and the Disabled
Cc: Richard McEndree & Betty Warner

Jerome S. Lamet, Supervising Attorney
The Pontiac Building
542 South Dearborn
Suite 1260
Chicago, Illinois 60605
Tel (312) 939-2221

TRANSMISSION VERIFICATION REPORT

TIME : 01/30/2009 09:19
NAME : JEROME LAMET LTD
FAX : 13123563199
TEL : 13129992221
SER.# : BR0D8J797996

DATE, TIME 01/30 09:18
FAX NO./NAME 12154428236
DURATION 00:00:35
PAGE(S) 03
RESULT OK
MODE STANDARD
ECM

Debt Counsel for Seniors & the Disabled



29 January 2009

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NCO Financial Systems, Inc.
507 Prudential Road
Horsham, PA 19004

215-942-8236
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Very truly yours,

Jerome Lamet

Exhibit B

PO BOX 15630
WILMINGTON DE 19850

Calls may be monitored or recorded
for quality assurance.

NCO Portfolio Management, Inc. (NCO Portfolio Management is a d/b/a for many of the affiliated companies), NCOP Services, Inc., NCOP Financing, Inc., NCOP I, Inc., NCOP II, Inc., NCOP III, Inc., NCOP IV, Inc., NCOP V, Inc., NCOP VI, Inc., NCOP VII, Inc., NCOP VIII, LLC, NCOP IX, LLC, NCOP X, LLC, NCOP Lakes, Inc., NCOP Capital Inc., NCOP Capital I, LLC, NCOP Capital II, LLC, NCOP Capital III, LLC, NCOP Capital IV, LLC, NCOPCF, LLC, NCOP CF II, LLC, Creditrust SPV2, LLC, Creditrust SPV98-2, LLC, Creditrust Funding I, LLC, Creditrust SPV99-1, LLC, Creditrust SPV99-2, LLC, NCOP-Marlin-CVI, LLC, Portfolio Acquisitions, LLC, Marlin Services, LLC, Inovision-Medctr-NCOP-NF, LLC, Inovision-Medctr-NCOP-F, LLC, Medctr, Inc., Inovision Medctr Portfolio Group, LLC, Integrated Capital, A NCOP Company, LLC, Inovision Capital, LLC, Inovision, Inc., Inovision, A NCOP Company, LLC, Medctr Hospital Portfolio, LLC and NCOP X, LLC

Dear Account Holder:

At NCO Portfolio Management, Inc., and its affiliated companies listed above (collectively, the "Account Owners" or "we"), protecting the confidentiality and security of our account holders' information has always been an important part of the way we conduct our business. On the back of this letter you will find our Privacy Notice which will provide you with information to help you understand how we handle the non-public personal information about you that we obtain from time to time.

This Privacy Notice is being sent to you on behalf of each of the Account Owners. To ensure that this important information reaches all of our account holders, we are mailing a copy of this letter to each account holder. If your account has been settled, the balance has been paid, the balance has been disputed, or if you have filed for bankruptcy protection, the status of your account shall not change as a result of this notice. If you are an account holder on more than one of our accounts, you may receive more than one letter regarding this Privacy Notice.

Please review the Privacy Notice contained on the back of this letter for an explanation of the Account Owners' policies and procedures regarding the use of non-public, personal information.

PO Box 4907
Dept 22
Trenton, NJ 08650-4907



Calls to or from this company may be monitored
or recorded for quality assurance.



XHR011
RICHARD L MCENDREE



0464-14284

NCO FINANCIAL SYSTEMS INC

507 Prudential Road, Horsesham, PA 19044

1-866-576-1447

OFFICE HOURS:

8AM-5PM MON THRU THURSDAY

8AM-5PM FRIDAY

8AM-12PM SATURDAY

Dec 10, 2009

Portfolio Acquisitions, LLC

FORMER CREDITOR:

DIRECT MERCHANT'S BANK

ACCOUNT #: [REDACTED]

PURCHASED BALANCE: [REDACTED]

INTEREST AMOUNT: [REDACTED]

INTEREST RATE: [REDACTED]

COLLECTION CHARGES: \$ 0.00

COSTS: \$ 0.00

OTHER CHARGES: \$ 0.00

TOTAL BALANCE: [REDACTED]

It is important that you forward your payment.

You may also make payment by visiting us online at www.ncofinancial.com. Your unique registration code is CXHR0112-2DE29F. To receive future notices for the account(s) by e-mail, visit www.ncofinancial.com for details.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgement and mail you a copy of such judgement or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Your account balance may be periodically increased due to the addition of accrued interest or other charges as provided in your agreement with the original creditor or as otherwise provided by state law.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

Our Account #	Total Balance
XHR011	[REDACTED]
RICHARD L MCENDREE	
Payment Amount	

\$

Check here if your address or phone number has changed and provide the new information below.

Make Payment To:



NCO FINANCIAL SYSTEMS

PO BOX 4907

TRENTON NJ 08650-4907

NCOP P5
14284

012200XHR01100000001500000000006929086